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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/693,464 | 10/24/2003 | Wamis Singhatat | ZL 0188B | 2542 |
| 23367 | 7590 | 07/31/2006 | EXAMINER | |
| GENE WARZECHA LINVATEC CORPORATION 11311 CONCEPT BOULEVARD LARGO, FL 33773 | | | HOFFMAN, MARY C | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3733 | |

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/693,464 | SINGHATAT ET AL. | |
| | Examiner | Art Unit | |
| | Mary Hoffman | 3733 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 12-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/2/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group I, Figures 23-24, claims 1-11 in the reply filed on 5/26/2006 is acknowledged.

Claims 12-14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention/species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 5/26/2006.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by Morgan et al. (U.S. Patent No. 6,923,824).

Morgan et al. disclose a graft retaining system (see marked-up figure below) comprising a graft block having a proximal end and a distal end, the graft block being sized to fit within the bone tunnel, the graft block including a support surface near the

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distal end for supporting an intermediate connector, at least one connector hole being formed through the support surface; an intermediate connector connecting a predetermined portion of the graft and a predetermined portion of the graft block, the intermediate connector forming a loop supported by the support surface of the graft block, the loop having a first end and a second end, at least one of the first and second ends being threaded through the at least one connector hole and secured in the connector hole; and means for attaching the graft block adjacent the bone tunnel at a predetermined point along the length of the tunnel, the means for attaching being situated transverse to the axis of the bone tunnel. The support surface comprises a convex surface bounded on at least two sides by projecting side walls to retain the intermediate connector on the convex surface, wherein said intermediate connector is a suture-like material and wherein a pair of connector holes is formed through the support surface generally parallel to the side walls from a first portion of the convex surface to a second portion of the convex surface, each of the holes being countersunk at least one end such that the ends of the intermediate connector may be knotted and pulled back into the countersunk ends of the holes.

U.S. Patent

Aug. 2, 2005

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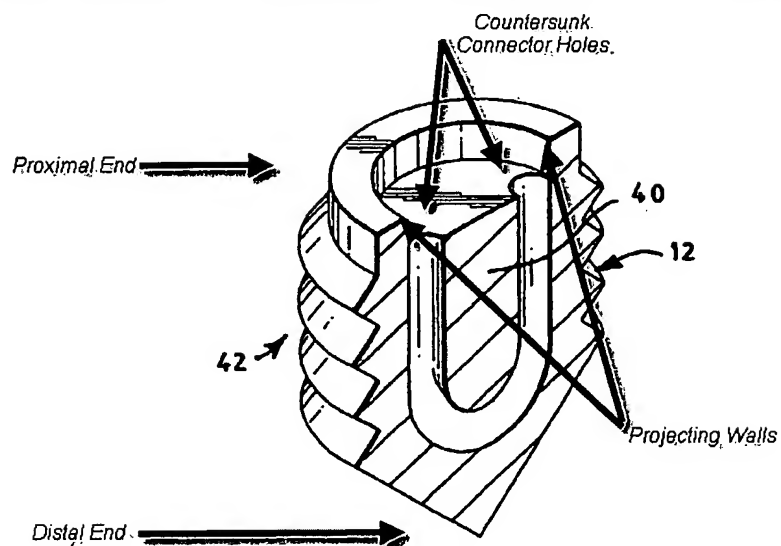


FIG. 3

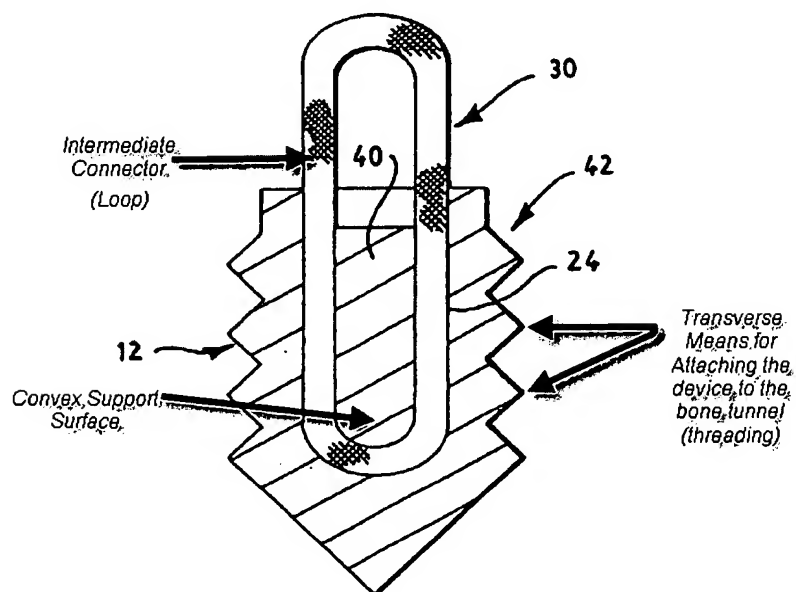


FIG. 4

Claims 3-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Re et al. (U.S. Patent No. 6,712,849)

Re et al. disclose a graft retaining system for retaining a graft in a bone tunnel (see marked-up figures below) comprising a graft block having a proximal end and a distal end, the graft block including a graft support surface adjacent the distal end for supporting the graft, the graft block being sized to fit within the bone tunnel; and tunnel attachment means for attaching the graft block adjacent the bone tunnel at a predetermined point along the length of the tunnel, the tunnel attachment means being situated transverse to the axis of the bone tunnel, the tunnel attachment means being located proximally of the graft support surface such that tensile forces on the graft result in compressive forces on the graft block between the graft support surface and the tunnel attachment means. The support surface comprises a convex surface bounded by distally projecting sidewalls. The graft retaining system further includes a suture-receiving hole near the distal end. The bone tunnel attachment means comprises an abutment surface at the proximal end of the graft block that abuts a pin placed transversely across the bone tunnel. The abutment surface comprises an open groove formed transversely across the proximal end of the graft block. A pair of sockets is formed in the proximal end of the graft block. The graft retaining system further comprises a pushing member including a flat, elongate body having a first end and a second end, the first end including a pair of prongs engageable with the pair of sockets such that the pushing member may be positioned with the graft extending along the pushing member body and the pushing member may be used to push the graft block

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and graft into the bone tunnel. The graft retaining system further comprises a base member, the second end of the pushing member being engageable with the base member to position the first end in a predetermined position and orientation relative to the base member; and a guide connected to the base member and being aligned with the abutment surface of the graft block when the graft block is engaged with the pushing member and the pushing member is engaged with base member. The prongs are retractable to disengage the graft block.

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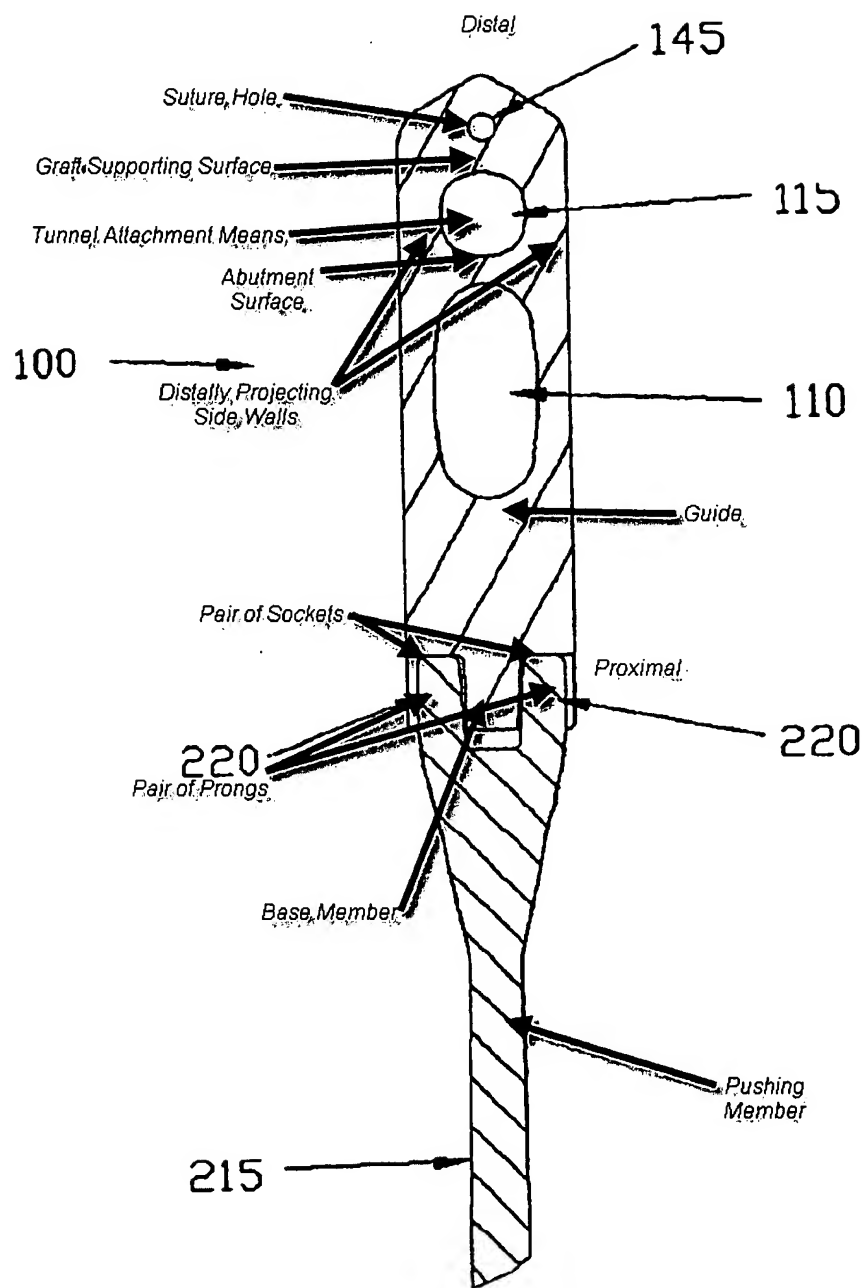


FIG. 12

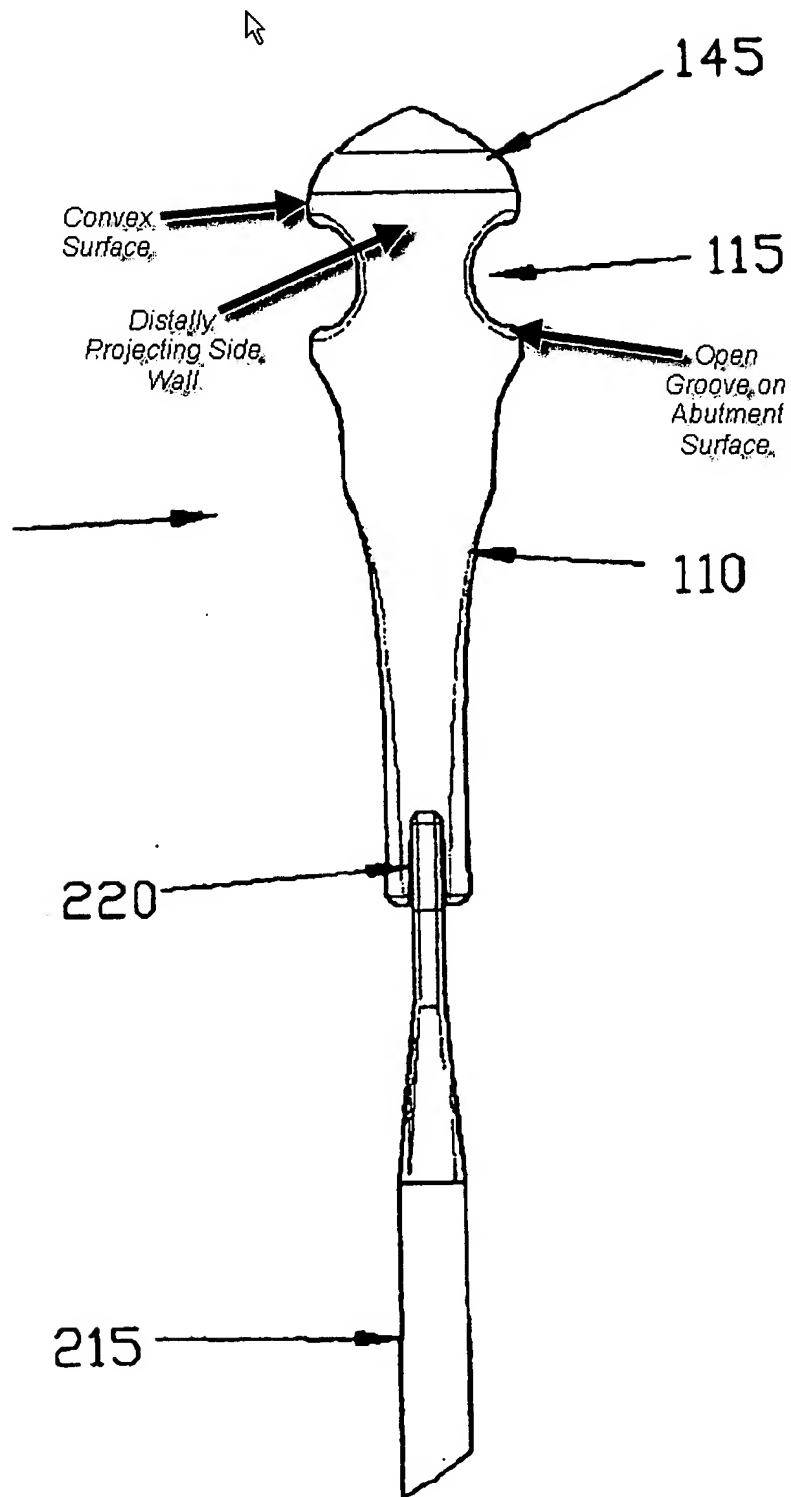


FIG. 11

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Hoffman whose telephone number is 571-272-5566. The examiner can normally be reached on Monday-Friday 9:00-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eduardo C. Robert can be reached on 571-272-4719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MCH



EDUARDO C. ROBERT
SUPERVISORY PATENT EXAMINER